

REMARKS

Reconsideration of the application in light of the following remarks is respectfully requested.

Status of the Claims

Claims 1-9 are pending. No claims have been amended, and the claims are presented as a courtesy to the Examiner.

Rejections under 35 U.S.C. § 102

Claims 1-8 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,752,780 to Dorr. The Examiner contends that FIG. 1 of Dorr discloses a right curved end portion of dust cover 4 that corresponds to a first lip portion recited in claim 1, and a left curved end portion of dust cover 4 that corresponds to a second lip portion recited in claim 1. Applicants respectfully disagree and traverse.

Claim 1 of the present application recites “a first lip portion closely fitted in a manner urged *toward a ball head portion-side* end face of said brim portion” (emphasis added). The first lip portion is marked by reference number 54 in FIG. 1, and contacts the brim portion 31 on a side of the brim 31 that faces ball portion 4, i.e., an end face on the “ball head portion-side” of the brim as recited in claim 1. In contrast, Dorr merely describes a structure having a first end portion of the dust cover fixed to the outside surface of a housing and a second end portion contacting the an arc-like outside surface of the brim portion. The sealing boot 4 of Dorr makes contact with channel 1d on an arc-shaped side that faces circumferentially outward, i.e., not on the “ball head portion-side” of a brim portion as recited in claim 1. Thus, Dorr does not disclose a structure corresponding to the first lip portion.

Neither does Dorr suggest the structure claimed in claim 1 of the present application. In addition to a first lip portion, claim 1 recites a second lip portion, marked by reference number **56** in FIG. 1, which “closely fitted [to] an *outside surface* of said brim portion” (emphasis added), i.e., to a different surface than the “ball head portion-side end face” that the first lip portion is fitted to. Fitting the dust cover **7** of the present application to two separate surfaces of the brim portion **31** provides the benefit of a secure seal of the dust cover **7** to the brim portion **31**, even when the ball stud “greatly” sways with respect to the housing (see Specification, page 13 last partial paragraph - page 14 first full paragraph, corresponding to paragraphs [0033]-[0034] of the published application). In contrast, Dorr cannot provide this same benefit simply by fitting one end portion of the dust cover to the outside surface of the brim portion. Rather, Dorr can withstand twisting and tilting only “to a limited extent” (Dorr, col. 2, lines 57-58). Therefore, Dorr does not disclose or suggest the structure recited in claim 1.

Rejected claims 2-8 depend upon independent claim 1 and should be allowable based on the remarks presented above with respect to claim 1. In view of the above remarks, Applicants respectfully request reconsideration and withdrawal of this rejection.

Rejections under 35 U.S.C. § 103

Claim 9 is rejected under 35 U.S.C. § 103(a) as being anticipated by Dorr in view of U.S. Patent No. 5,067,841 to Fukukawa et al. (“Fukukawa”). The Examiner contends that Dorr discloses all the recited structure except that the opening portion is located on one end of the housing, and the opposite end of the housing is closed by a plug caulked to the housing. The Examiner further contends that Fukukawa disclose this missing structure, and that it would have been obvious to combine Dorr with a plug as taught by Fukukawa. Applicants disagree and traverse.

Rejected claim 9 depends upon base claim 1. Applicants submit that Dorr does not disclose or suggest the structure recited in base claim 1, as discussed above. Therefore, the combination of Dorr and Fukukawa cannot disclose or suggest the structure recited in claim 9.

In view of the above remarks, Applicants respectfully request reconsideration and withdrawal of this rejection.

CONCLUSION

Each and every point raised in the Office Action dated February 11, 2008 has been addressed on the basis of the above amendments and remarks. In view of the foregoing it is believed that claims 1-9 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: April 24, 2008

Respectfully submitted,

By Alexander D. Walter
Alexander D. Walter
Registration No.: 60,419
DARBY & DARBY P.C.
P.O. Box 770
Church Street Station
New York, New York 10008-0770
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicants